#### PROTEST RUSSIA

SECRETARY HAY'S VIGOROUS NOTE ON CONTRABAND.

Refusal to Accept Russian Ruling, Which Was a Menace to Legitimate American Commerce - Firm Stand Taken for the Rights of a Neutral Nation.

WASHINGTON, Sept. 20:-Russia's recognition of the United States position on the distinction between absolute and conditional contraband of war followed a vigorous protest which Secretary Hay, on Aug. 30, made against the Russian decision in the case of the cargo of the seized steamer Arabia. The protest was sent to Ambassador McCormick at St. Petersburg, who communicated it to Count Lamsdorff, the Russian Minister of Foreign Affairs.

The protest was an emphatic and unqualified condemnation of Russia's attitude, accompanied by an expression of regret and concern for the position she had

The Vladivostok prize court's ruling in the Arabia case was communicated by Count Lamsdorff to Ambassador McCormick on July 27. With it was Count Lamsdorff's answer to the request of the United States for the release of the non-contraband part of the Arabia's cargo. This answer was to the effect that the question could only be decided through judicial channels on the basis of the prize court's decision.

Secretary Hay, after remarking that the confiscation appears to have been founded on the mere fact that the goods were consigned to commercial houses in Japanese ports, said that in view of its well known attitude it was hardly necessary to say that the Government of the United States was unable to admit the validity of a judgment which appeared to have been rendered in disregard of the settled law of nations respecting contra-

Mr. Hay recited the clauses of the Russian order of Feb. 29, denouncing telegraph, telephone and railway materials, rice, provisions, &c., as contraband, and remarked upon the ambiguity of the language of the order, especially as to whether the word enemy in the order meant the Government and forces or the ports and territory of Japan. The very obscurity of the terms used seemed to contain a destructive menace to legitimate American commerce.

In the circular of the United States of June 10 the State Department interpreted the word enemy in a mitigated sense in accordance with the enlightened human minelples of international law, namely, meaning the Government and forces. If benign interpretation was placed on the language used it was because such an interptetation was due to the Russian Government, between whom and the United States most valued and unbroken friendship had always existed, and it was no less due the commerce of the latter, inasmuch as a broad interpretation would have implied a total inhibition of legitimate comreen Japan and the United States, in which it would be impossible for the lat-

Whatever doubt could have existed in regard to the meaning of the imperial order was apparently removed by Count Lamsdorff's note, stating tersely and simply the sentence of the prize court. It was impossible for the United States to accept this as indicating either a principle of law er policy which a belligerent State may lawfully enforce or pursue toward the United States as a neutral.

Further reviewing Russia's action in de plaring contraband telegraphic, telephonic and railway materials, Secretary Hay declared that the United States could not concede that they could be confiscated open ports of a belligerent. He proceeded to insist that when war exists between powerful States it is vital to the legitimate commerce of neutrals that there be no relaxation of the rule determining what is contraband, and pointed out that articles of ordinarily innocent, but capable of warlike, use are not liable to confis unless it is proved that they are destined for the forces of a belligerent.

This substantive principle of the law of nations cannot be overridden by a techmical rule of a prize court that the owners of a cargo-must prove that it will not eventually come to the hands of an enemy's forces. Such proof is impossible, and the absence of it cannot justify a seizure. If it were otherwise, all neutral commerce with the people of a belligerent State would be impossible. The innocent would suffer inevitable condemnation with the guilty. The established principle of discriminating between contraband and non-contrabend must either be inflexibly adhered to or abandoned by all nations. There is and

can be no middle ground. Continuing, Secretary Hay said: "If the principle declared by the Vladivostok prize court, which has not, so far, been disavowed or explained by his Imperial Majesty's Government, is acquiesced in it will mean. if carried to full execution, the complete destruction of all neutral commerce with the non-combatant population of Japan. It would obviate the necessity for blockades. It would render meaningless the principle of the declaration of Paris, set forth in the in order to be obligatory must be effective. It would obliterate all distinction between commerce in contraband and non-contraband goods, and is in effect a declaration of war against commerce of every description between the people of a neutral and those

of a belligerent State. Mr. Hay concluded by directing Mr. McCormick to "express to Count Lamsdorff the deep regret and grave concern with which the Government of the United States has received his unqualified comcourt. You will make an earnest protest against it, and say that the Government of the United States regrets its complete inability to recognize the principle of that

Ambassador McCormick notified the State Department yesterday that the Russian Government had practically reversed its position, admitting the conditionally contraband character of articles having a dual use-articles which might or might not be used by a belligerent, directly or in-

directly, for military purposes. If such articles of a dual use are consigned to private persons or firms in Japan, they are not in the future to be subject to confiscation unless it can be shown by the Russian Government that the private persons or firms concerned are acting as agents or representatives of the Japanese military or naval

HID MONEY IN ASH HEAP. Cash Lost in a Street Car Recovered

-Negro Showed \$1,000 | Note. KANSAS CITY, Mo., Sept. 20.-T. S. Hill, Kansas City manager of the Southwestern Mercantile Company's retail store at Coalora, N. M., reported to the police yesterday that he lost a package Sunday evening on a Fifth street car containing \$7,250. Detectives Phelan and McCosgrove were assigned to the case by Inspector Halpin and last night arrested Ben Vaughan, a negro living in the rear of 1616 Washington street, and a negro woman, Cora Fields, on suspicion of knowing something about

The money consisted of two \$1,000 notes, \$500 note and a draft for \$4,750. Vaughan admitted finding the money on the car The money was dug up this afternoon by a detective in an ash heap in an alley in the rear of the Washington street house, where Vaughan had buried it. In his excitement after his arrest Vaughan could not remember where he hid the money and supposed that another negro had seen him bury it and had taken it.

Vaughan said he threw away the draft. Vaughan displayed a \$1,000 note and a \$500 ote in a saloon. This led to his arrest.

LOCKOUT IN ERIE SHOPS. Bollermakers and Helpers Discharged

-New Workers Under Guard. BINGHAMTON, Sept. 20 .- The Eric officials ocked out to-day all the boilermakers and elpers at the locomotive shops at Susque hanna, Pa., 250 men in all, and installed two carloads of men in their stead.

A boarding house has been established in the shops, and the men are guarded day and night by armed railroad detectives. For some weeks the Erie officials have been placing bunks, stoves and provisions in the shops.

When the men came to work this morning they found a notice posted on the door stating that their services were no longer required and that they would be paid off at 8 o'clock. The men went quietly to their nomes and a union meeting was called.

It is feared that this lockout will eventually affect every department. The Erie has been antagonistic to union labor in the locomotive shops and has discharged the leaders in the union movement, giving as the reason that they were agitators.

EIGHT HURT IN AUTO WRECK. Chicago Smash-up to Avoid Hitting a Man -New Yorkers Injured.

CHICAGO, Sept. 20 .- Miss Neva E. Scott. niece of Robert S. Scott of Carson, Pirie, Scott & Co., who died to-day, was injured seriously is an automobile accident seriously this morning. In the automobile were eight persons, all of whom were budly

In the party were: Mrs. William Douglas Klore, 5042 Washington Park place; Miss Helen Davies of New York, niece of H. G. Davies and flancée of L. T. Laffin of New York; L. C. Murphy, theatrical manager of Boston, Dr. Reginald Smith of New York, surgeon at Bellevue Hospital; Miss Grace Bowen, 2928 Lake Park avenue; Miss Zala Miss Helen Reidy of St. Louis.

In trying to avoid striking a pedestrian the automobile was turned sharply and in so doing struck a line of hose, causing the machine to crash into the curb, where it was completely wrecked.

### THREE MEN MURDERED. Their Bodies Found in a Swamp in a Desc late Illinois Region.

STIBLING, Ill., Sept. 20.—The discover in the Meridocia swamp to-day of three dead men who had been murdered and thrown into the swamp has added to the excitement following the fatal shootings in this part of the State and the death of Mayor W. S. Bennett of Thomson and George Gaynor of Steward, who were killed by hold-

The Meridocia swamp is twenty-eight miles southwest of this city, and is the most dismal place in the State. From information so far received, it is believed the men murdered were tramps

#### SUBWAY'S STORY IN BRONZE. To Be Put in the City Hall Station Wal

-Plaster Models for Opening Day. Gutzon Borgium has completed the plaster models of three tablets ordered by the Rapid Transit Commission for the City Hall station, and the models, which are to be done into bronze, were exhibited in the sculptor's studio, in East Thirty-eighth street, yesterday.

The tablets, of a deep greenish shade bronze, will be set in the wall facing Broadway. The central tablet is 13 feet long by 10 feet high and elliptical in shape. It

bears this inscription: First Municipal Rapid Transit Railroad, uggested by the Chamber of Commerce, uthorized by the State, constructed by the

city.

Below the inscription follow the names of Mayors Van Wyck, Low and McClellan and Comptrollers Coler and Grout. To the right are the names of Chief Engineer Parsons, Counsel Edward M. Shepard, and Albert B. Boardman and other officers. The hames of the Rapid Transit Commissioners occupy the lower right hand corner of the tablet. The seal of the city, fringed with oak leaves and myrtle, is at the top, of the tablet. The seal of the city, fringed with oak leaves and myrtle, is at the top, and the seals of the State and of the Chamber of Commerce rise above the left and right borders of the tablet, which is fringed with laurel.

with laurel.

The ornamental octagonal tablet at the left of the central tablet bears the names of the Interborough Rapid Transit Company's officials, while that at the right bears the names of the chief Engineer's staff and of the designers of the tablets, George L. Heins and Grant La Farge. Both are 9 feet long and 3 feet high.

The bronze tablets will not be completed in time for the opening of the subway, so the sculptor has been ordered to prepare plaster replicas for temporary use.

Baltle Fleet Again Reported Out

Special Cable Despatch to TRE SUN.
COPENHAGEN, Sept. 20.—A vessel which arrived here to-day reports that she pas in the Gulf of Finland forty Russian warship

New Bussian Warships in the Baltic. Special Cable Despatch to THE SUN. St. Petersburg, Sept. 20.—It is reported that four warships purchased by Russia from Argentina have arrived at Libau.

Dizziness and liver complaints cured by Bohn's

## PORT ARTHUR FIGHT RENEWED

JAPS IN LAND AND SEA ATTACK TO CAPTURE FORTS.

Two Reported Taken-Russian Comman der Reports Garrison in Good Spirits -Says Enemy Has Lost Heavily-Reenforcements Beach Army at Mukden.

Special Cable Despatches to THE SUN. CHEFOO, Sept. 20 .- A general attack was begun on Port Arthur at daybreak yesterfay, and continued until nightfall. Apparently it was an effort on the part of the Japanese to capture the main forts on the northeast side of the fortress.

For nearly three weeks the Japanese were engaged in making preparations for this attack. They have been considerably reenforced. The main object of the besiegers is believed to be the capture of the Kikwanshan and Erlungshan forts and the forts between them. If these defences are successfully carried, it will be an important but in no wise a final step toward the end.

The Japanese are stated to be holding four outlying forts near Erlungshan, which they captured at the end of August, affording useful aid in an attack, but the task the Japanese have now set for themselves is so severe that the chances of success are regarded as being small.

Their attempt to capture the Kikwanshan fort at the end of August is credibly stated to have cost the lives of an entire regiment. This and other experiences seem to have impressed the besiegers with a full recognition of the immense strength of the fortress and the dogged resisting power of the garrison. All the Japanese who have recently arrived here from Dalny confirm this.

A steamer from Newchwang reports that the Japanese fleet is supporting the land attack at Port Arthur

PREVIOUS ATTACK REPULSED.

ST. PETERSBURG, Sept. 20 .- A despatch received to-day from Gen. Stoessel, commanding at Port Arthur, says under date of Sept. 16 that the enemy keeps up a daily bombardment of the forts and the batteries inside the fortress. The wounded who recover eagerly resume their places in the ranks. The troops are in excellent spirits.

"At about 3 o'clock this morning, Sept. 16, at least one Japanese battalion attacked the redoubt protecting the waterworks. The garrison repulsed the attack, but the enemy received reenforcements and renewed the attack after half an hour. The garrison again repulsed them with rifles and machine guns, supported by artillery. The Japanese sustained great losses and did not again attempt to take the offen-

"Sub-Lieutenant Phillippos chiefly distinguished himself, showing the greatest bravery.

FORTS REPORTED TAKEN.

LONDON, Sept. 20 .- A news agency despatch from Shanghai says the Japanese either side of Sueizeying, north of Port Arthur. It is asserted in the despatch that | duties of assuming an apostleship. the Japanese fleet cooperated in the attack.

KUROPATKIN'S ARMY GROWS. More Men and Guns to Meet the Japan

Special Cable Despatch to TRB SUN.
St. Petersburg, Sept. 20.—It is stated that Gen. Kuropatkin has been reenforced at Mukden since Sept. 9 by 170 guns an ,000 men, a majority of whom are picked troops from western Russia.

Of the 22,000 wounded men at Harbin, it s asserted that 15,000 will be practically fit for service in ten days

It is understood that a long despatch was received from Gen. Kuropatkin to-day. but it has not been published. Somewhat nore than the usual activity is noticeable at staff headquarters. There is talk of important developments impending at Muk-

Gen. Kuropatkin reports: "A reconissance made Saturday established the fact that the Japanese position at Baniputze is strongly held by a brigade with guns. There was no enemy east of Baniputze but Japanese reenforcements arrived Sept 18 in the vicinity of that village. Large Japanese forces from Liaoyang have already crossed to the right of the Taitse River.

GEN. ORLOFF A SUICIDE. leport That Man Blamed for Lineyang Disaster Has Killed Himself. Special Cable Despatch to THE SUN.

PARIS, Sept. 20.-It is rumored in St. etersburg that Gen. Orloff, whom Gen. Kuropatkin in his report to the Czar held responsible for the Russian reverses at laoyang, has committed suicide.

## Supplies Captured at Liaeyang

WASHINGTON, Sept. 20.-Further details of the supplies captured at Liaoyang by Field Marshal Oyama were received at the Japanese Legation to-day in a despatch from Tokio. In addition to those already reported, the Japanese secured 15,000 bushels of barley, 30,000 bushels of bran, 5,000 bushels of rice, 5,000 bushels of cracked barley, 25,000 bushels of millet, 52,000 gallons of petroleum, 1,800 boxes of sugar, 343 Russian houses and 214 go-downs, together with large

Russian Correspondent Expelled. Special Caple Despatch to THE SUN. LONDON, Sept. 20.-A despatch from St. Petersburg to the Exchange Telegraph Company states that Nenirovich Danchenko, the most noted of the Russian war correspondents, has been expelled from

the front. All the Russian war corre-

spondents are returning home.

Japanese Commander in Corea Recalled. Special Cable Despatch to THE SUN

SEOUL Sept. 20.-Gen. Haraguchi, who has been in command of the Japanese forces here, has been recalled. Gen. Haraguchi, from the beginning of the war till May 12, was in command of the garrison of Seoul. He was then placed in command of all the troops south of the Yalu.

Lower rates than were ever before granted for appointion are in effect to St. Louis, via the West hore and New York Central. Ask ticket agents. Is sold by all the best grocers everywhere, try adds.

EX-JUDGE LEARNED FOUND DEAD Served Many Years en the Supreme Court NO CANDIDATE YET

Bench, Succeeding Justice Peckham. ALBANY, Sept. 20.-Ex-Supreme Court Justice William L. Learned, for years the presiding Justice of the old General Term dead here to-day while seated at his desk in his law office on State street.

Although 83 years old, Justice Learned had kept up his active professional practice and was apparently in the best of health when he arrived from Selkirk, his summer iome, a few miles from this city, this morn-When discovered he had been dead for an hour or more. Death was probably due to heart failure.

Justice Learned was born in New London, Conn., and was graduated from Yale in 1841. He settled in Albany, and in 1870 was appointed by Gov. Hoffman as Justice of the Supreme Court to fill the acancy caused by the elevation of Justice Rufus W. Peckham, father of Judge Peckham of the United States Supreme Court, to the Court of Appeals bench. He was afterward elected for two successive term and only retired in 1892 because of the age limitation. He was a lifelong Democrat. He was actively identified with the educaonal interests of Albany.

He was twice married and is survived by his second wife and by one daughter, the wife of Brig.-Gen. John H. Patterson, U. S. A., retired.

SISTERS DIE ON TRACK.

They Lie Down Together in Ohio to Be Killed by a Train. Toledo, Ohio, Sept. 20.—Mary and Lizzie

Keherer, sisters and unmarried, who lived alone on a little farm five miles south of Bucyrus, committed suicide late last night by lying down in front of a passenger train on the Ohio Central Railroad. The women left the house and walked down

the track to a curve. Each carried a bedspread. Wrapping themselves in these they lay down upon the tracks. Their mutilated bodies were found by the section men on going to work this morning. They had become tired of life and had several times intimated they wished that they were dead. They were nearly 50 years old.

HELD AS A BOMB THROWER. Italian to Answer for Second Degree

Murder for Killing Two Persons. CLEVELAND, Sept. 20 .- Anthony Arcangelo was arrested last night and arraigned before Judge Fielder to-day on a charge of murder in the second degree in connection with the bomb explosion which killed a man and a boy at the Italian celebration on Sunday night, on Woodland Hills avenue. His case was continued. He entered a plea of not guilty. Bail was fixed at \$10,000.

Arcangelo is said to have given the police the names of two other men, whom the police were looking for. Several large percussion caps resembling the one found at the scene of the explosion were found at Arcangelo's home, the officers say, with veral crude bombs.

## DESERTING ZION CITY.

Thirty Disciples of Dowle Unable to Approve of His Apostle Idea.

WAUKEGAN, Ill., Sept. 20 .- About thirty former disciples of John Alexander Dowie refuse to approve the Prophet's fancy new robes and white socks and are going back home in anger. Most of them left Zion City last night and this morning, after wie and his chief lieutenants had gone to Ben MacDhui to rest after the fatiguing

The apostates, as Dowie calls them, are nostly Oregonians leaving for Seattle and Portland. A few are Californians, and some will sail for far Australia. There are still others discontented in the Zion camp.

PAUL LAURENCE DUNBAR ILL. Noted Negro Poet in a Critical Condition in His Old Home

DAYTON, Ohio, Sept. 20 .- Paul Laurence Dunbar, the well known negro poet, is in critical condition. He has consumption of the lungs and is at the home of his mother in this city. It is said that his physicians have given him only one month to live. On May 2 Mr. Dunbar contracted pneumonia while in New York and it developed into tubercular trouble. He was born in this city in 1872 and was educated in the

4 KILLED FAR UNDERGROUND. Slab of Iron Ore Falls Upon Miners-Three

Injured. MORRISTOWN, N. J., Sept. 20 .- A slab of iron ore fell in the old Andover mines at Hibernia this morning and killed four miners. Three others were injured, one of whom will die. The men were Slavs and had been in this country but a month. They were working 1,830 feet underground when the accident happened."

DIED WATCHING A PLAY. Mrs. Marshall Wanted to Rescue the Hero

the and Fell Bead as She Arose. Indianapolis, Sept. 20.-Mrs. Brutus Marshall, one of the best known women in Logansport society, attended the theatre last right where the melodrama "Why Girls Leave Home" was being presented. She seemed deeply interested in the performance from the first, and as the play advanced to the third act Mrs. Marshall

ned to be under a great nervous strain. With a cry of distress Mrs. Marshall got up from her seat and was starting to the stage to rescue the heroine when she was seen to stop, look dazed for a moment, and, with her hand pressed to her heart, sink to the floor. It was thought that she had fainted, but when friends went to her assistance she was dead.

assistance she was dead.
The autopsy to-day showed that she had died of heart disease and that in her nervous and excitable condition all that was going on on the stage was real to her, and she was so wrought up that she started to rescue the heroine from the peril that seemed to confront her.

LAWYER DIES IN COURT HOUSE. Fén Lifeless Going Down Stairs With His Client, After Arguing Case.

After arguing a case before Surrogate Fitzgerald yesterday morning, Francis Driscoll, a lawyer, employed in the office of Daniel F. Cahalan, 271 Broadway, fell dead while going down stairs in the County Court House. He was talking with his client, Mrs. Bridget Cowan, of 269 East Fifty-fifth street, when he fell against the railing at the second floor and died.

The dead man was from Albany and was a brother of the Rev. Father Driscoll of Foods.

of the Third Judicial District, was found Democratic Leaders Talk Till 1:30 A. M. Without Result.

# GEORGE HALL, DARK HORSE

Hilf and McCarren Stand by Grout - Murphy Objects.

The Albany County Delegation Favor the Brooklyn Man, but Efforts to Win Tammany Over Prove Unavailing -Western Delegates Meet and Declare for McClettan-Palmer and Herrick Booms Fall by the Wayside-Hill Men Urge Latter for Court of Appeals, Knowing He Can't Have It-Guggenhelmer Talked Of for a Place on Ticket.

SARATOGA, Sept. 21, 1:35 A. M .- The conerence in ex-Senator Murphy's rooms in the Grand Union, which was called to agree on a candidate for the Democratic nomination for Governor and which began at 11 o'clock last night, broke up at 1:30 this

William F. Sheehan said: "We have adjourned to 9 o'clock in the morning. No result has been reached."

Senator Murphy, Charles F. Murphy, Mr. Hill, Senator McCarren and others made similar statements.

SARATOGA. Sept. 21 .- At a conference of Democratic leaders, which began at 11 o'clock last night and lasted well into the morning, an effort was made to settle on a candidate for Governor.

The conference was held in the rooms of ex-United States Senator Murphy in the Grand Union Hotel, The others present at the conference were Mr. Sheehan. Charles F. Murphy, Joseph Cassidy, president of the borough of Queens: Norman E. Mack, William S. Rodie and Cord Meyer, chairman of the State committee.

The object of the meeting was either to vercome the opposition of Mr. Murphy Comptroller Edward M. Grout, whose nomination Hill and the Albany men had favored, or to select a candiate on whom

all could agree.

The Tammany leader put up the stoutes objections to Grout's nomination. He de-clared that it would be unwise politics for the Democrats of this convention to nominate a man from below the Bronx line. He deprecated the jamming of Grout down the throats of the 105 delegates from New York county. He protested vigorously against Grout's nomination. He declare that an up-State Democrat should be nominated.

GEORGE HALL'S NAME SUGGESTED. there came out of the conference room the report that because of the fierce fight between the factions in Greater New York up-State Democrat, and that George Hall, ex-Mayor of Ogdensburg, would make a candidate for Governor around whom all the Democratic factions could cluster. Mr. Hall is a well known business man of Ogdensburg, and has a clean record as a

Democrat and as a man. Those who spoke of Mr. Hall declared that he could make a strong campaign and that his candidacy would appeal to Democrats of all sorts and conditions, and especially to the upright business men in

the State. JOIN MURPHY AGAINST GROUT

Mr. Murphy of Tammany Hall, in declaring his opposition to Grout's nomination in the conference because Grout would be considered a factional candidate, found responsive chords from Mr. Sheehan, Cord Meyer and others, and some said to-night that Judge Parker was in hearty accord on this matter with Mr. Sheehan and Mr. Meyer. The smashing of the Grout boom in the conference was one of the most in-

teresting features of the night The fact that Mr. Hill and Mr. McCarren did not attend the conference led many to assert that Mr. Hill and Mr. McCarren had the situation well in hand and would force Grout's nomination

This was not accepted to be true by tho on the inside. Mr. Murphy of Tammany stood hard and fast for the nomination of an up-State Democrat and in this matter Mr. Sheehan and Mr. Meyer were strongly

inclined to agree with him. CALL ON HILL TO JOIN CONFERENCE. Cord Meyer and ex-Senator Murphy left conference at midnight and visited Mr. Hill and Mr. McCarren and informed them of the Tammany chieftain's objections to Mr. Grout and that Mr. Murphy insisted upon an up-State man. August Belmont joined the conference in ex-Sena tor Murphy's room. Mr. Belmont has

favored the nomination of Grout. The ex-Senator insisted that Mr. Hill should attend the conference and listen to the Tammany chieftain's objections to Grout, and Mr. Hill cheerfully acceded to the Troy statesman's wishes

At 12:45 this morning Senator McCarren and George Foster Peabody joined the conference in Senator Murphy's room and Mr. McCarren was made acquainted with Tammany Chieftain Murphy's objections to Grout and with the fact that the majority of the conferees favored an up-State man. Senator McCarren stoutly insisted on Grout's nomination.

END OF THE PALMER BOOM.

SARATOGA, Sept. 20.—All day the Democrats have swung their tomahawks and buried them in the booms of their friends. Immediately after breakfast this morning the Democrats who believe in harmony, even if they have to fight for it, scuttled the boom of George M. Palmer of Schoharie. They said that Mr. Palmer was a nice,

amiable gentleman, brown eyed and very agreeable to meet, and while strong enough physically and mentally, he was without the courage necessary for the Democratic candidate for Governor in this campaign. As a matter of fact the Democrats are looking for a man of sand in order that he may go upon the stump and attack Odellism all over the State.

PIGHTING THE HEBRICK BOOM. The tomahawkers got to work on Justice Herrick's boom. Justice Herrick lives in Albany county, which has been the seat of war between David B. Hill and Justice Herrick for a dozen years, The county invariably was Democratic until Mr. Hill moved to it from Elmira in 1892. From time immemorial before that Justice Herrick had been the Democratic leader of the county. He was a Cleveland Democrat, a Manning Democrat, a Tilden Democrat and has always been an anti-Hill Demo-

Justice Herrick's followers in the county resented Mr. Hill's notion that he was to become the leader of the county just because he had been twice Governor of the State and because he was senior United States Senator at the time. Justice Herrick's friends, in other words, looked upon Mr. Hill as a carpetbagger, and from that time to this very day the Democrats of the county have been divided between the Hill faction and the Herrick faction, with the usual result that the Republicans have won in the city and county ever since, with the exception of 1898, when Augustus Van Wyck, the Democratic candidate for Governor, carried it.

It should be recalled right here, though, that Justice Van Wyck was nominated for Governor that year in a Democratic convention which was controlled by a combination of Richard Croker, Hugh McLaughlin, Edward Murphy, Jr., and the Erie county Democrats, whereas Mr. Hill stood alone in the convention for the nomination of John B. Stanchfield.

So seriously has Justice Herrick's organization in Albany county been disintegrated by the factional disturbances that eightyfour of Justice Herrick's own political workers are now on the Republican payroll of the county, in Federal and State places, put there by Uncle William Barnes, Jr., chairman of the Republican executive State committee.

GENE WOOD'S PART IN THE OPPOSITION. The Democratic leader of Albany county is Eugene D. Wood. People out West and down South have read that David B. Hill is the Democratic leader of the county. As a reatter of fact Mr. Hill could not go as a delegate to a State convention or as a delegate to a national convention of his without the say so of Mr. Wood. Some folks have said that "Packey" McCabe is the Democratic leader of the county. That is as untrue as the statement of Mr. Hill's leadership of the county. Mr. Wood is the real, live simon-pure Democratic leader of the county.

He does not like Justice Herrick a little bit. The feeling between Mr. Wood and Justice Herrick has been bitter in the extreme, and of course Mr. Hill has become imbued with it, although for that matter Mr. Hill did not require much stimulus for opposition to Justice Herrick. There are twelve delegates from Albany county to this State convention, and every man Jack of them, including Mr. Hill, is con-

trolled by Mr. Wood. The Albany county delegation, by the direction of Mr. Wood, held a meeting to-day and, while not saying a word against Justice Herrick as a candidate for Governor announced that the delegation was solidly for Justice Herrick for Chief Judge of the Court of Appeals. There is humor in this statement for the reason that from the present outlook there is no possibility that Justice Herrick can be nominated for Chief

Judge of the Court of Appeals.

RELUCTANT TO NAME CULLEN Mr. Hill, Edward Murphy, Jr., and other Democrats are very much opposed to the nomination by this convention of Chief Judge Cullen and William E. Werner for Associate Judge, the candidates nominated by the Odell convention held here last week. Other Democrats do not believe, though, that the Democratio party in the State is strong enough, after ten years of defeat, to make the judiciary a campaign

test this year. They do not want to nominate Chief Judge Cullen and Judge Werner on the Democratic State ticket any more than do Hill and Mr. Murphy and their friends, but make an issue of the Republican State convention's selections at this time.

The feeling over this matter is intense Eminent Democrats said here to-day that they were sorry that Chief Judge Cullen had taken the nomination for this place from a Republican State convention, and pointed out how Governor-Chairman Odell person ally and the Republican judiciary were to be benefited by the nomination of Chief Judge Cullen and the nomination of Judge Werner and their indorsement by the Democratic State convention

For instance, Chief Judge Cullen's ap pointment to the highest place on the bench of the State courts leaves a vacancy for Supreme Court Justice in the Second Judicial district, which is to be filled by appointment by Gov. Odell. Republican lawyers of the Second Judicial district have popped up as candidates for the place. The salary is \$17,500 a year

The appointment of Chief Judge Cullen to his present place by Governor-Chairman Odell gives to the Governor-Chairman the designation of an Associate Judge of the Court of Appeals from the Supreme Court Justices, and the Governor-Chairman is to designate a Republican.

The election of Judge Werner as an Associate Judge of the Court of Appeals gives Governor-Chairman Odell the appointment of a Supreme Court Justice in the Seventh Judicial district in place of Judge Werner, and also gives Governor-Chairman Odell the right to designate as an Associate Judge of the Court of Appeals a Supreme Court Justice to succeed Mr. Werner

Thus by the nomination and election of Chief Judge Cullen and Judge Werner, Governor-Chairman Odell has the designation of two Supreme Court Justices to be Associate Judges of the Court of Appeals, and the appointment of two lawyers, one for the Second Judicial district and one for the Seventh Judicial district, to be Supreme Court Justices.

This fact has been gone over all day long by the Democrats, who sneer at the fatuous statement of the Republicans that they want to take the judiciary out of politics. They point out that by the shifting of four Judges the Governor-Chairman has simply strengthened his hold on the judiciary, and that nothing of such a positive character has been contemplated by the lawyers and Judges of the State for many years.

HILL AND THE ALBANY MEN FOR GROUT. t will be observed that the delegation, when it voted for Justice Herrick for the nomination of Chief Judge of the Court of Appeals was merely shooting in the air, and that there is no sincerity in its action whatever. Immediately after the Albany

county delegation adjourned it was learned that all the twelve delegates, including Mr. Hill, favored the nomination of Comptrolle Edward M. Grout of New York city. the delegation didn't act as a unit, it is one of the most cohesive delegations here, and Senator McCarren, Mr. Wood and Mr. Hill are close friends personally and politically.

PRICE TWO CENTS.

STAPLETON TO PRESENT GROUT'S NAME. After the Albany county delegation had acted, Senator McCarren announced that Luke B. Stapleton of Breeklyn would present the name of Mr. Grout in the convention, and Senator McCarren and all his friends predicted the nomination of Mr. So did ex-United States Senator Murphy, too, who had a long consultation

with August Belmont. At first blush the proposed nomination of Mr. Grout for Governor would be a bitter pill for Tammany to swallow. The Troy statesman, though, and August Belmon thought that Tammany should not feel badly about the proposed nomination of Mr. Grout for Governor, because it was Leader Murphy of Tammany Hall himself who had taken Mr. Grout last fall from the camp of the Citizens' Union and made

him its candidate for Comptroller.

RAKING UP GROUT'S RECORD. The whole story of the 1903 campaign was gone over. It was recalled that two years before that Seth Low and the fus years before that Seth Low and the fusion-ists in New York city had nominated and elected Mr. Grout Comptroller of the city and last fall had given Mr. Grout a renomi nation. Mr. Grout was on the ocean at the time the Citizens' Union convention and their allies, the Republicans, in New York city, conferred this distinction upon him. When Mr. Grout returned from Europe he made it known that Mayor Seth Low and the Citizens' Union chaps and the Republicans had given him a renomination without either his request or

The Democratic city convention, which was dominated by Tammany, took Ground as its candidate for Comptroller and at the same time took Charles V. Fornes, the fusion candidate for President of the Board of Aldermen, as its own candidate. There was a great hullabaloo about this at the time, and it was ended when Grout and Fornes formally declined the nominations of the fusionists and accepted those of the Democrats. The feud between Leader Murphy of Tammany and Senator McCarren of Kings broke out, ostensibly over whether the programme of the Democratic State convention, to be held in the spring, should include the instruction of the State delegation to the St. Louis national convention

for Judge Parker.
This war between Murphy and McCarren led to the removal of McCarren men by Tammany commissioners, and as fast as they were removed by the Tammany commissioners Comptroller Grout provided places for them. Yet ex-United States Senator Murphy and August Belmont and their friends insisted to-day that Comptroller Grout in doing this did not remove Tammany men for the purpose of putting in McCarren men, but, on the c trary, removed holdovers from the Fusion

administration. MURPHY REPURES TO GIVE IN.

Leader Murphy of Tammany has had half a dozen talks with William F. Sheehan to-day and stoutly refuses to give in his adhesion to the proposed nomination for Governor. Ex-United States Senstor Murphy and his namesake the leader of Tammany are not on speaking acquaintance since Mayor McClellan refu reappoint Dr. John Cosby, Edward Murphy, Jr.'s, personal friend, to be Health Com-

missioner in New York city. The Troy Murphy felt this refusal of the New York city Murphy very keenly, but the Tammany chieftsin has made it known to all of the Troy statesman's friends that ex-United States Senator Edward Murphy, Jr., should find no fault with the McClellan administration or with the Democratio administration in New York city, because in years gone by, and even at the present time, friends and relatives of Edward Murphy, Jr., have been and are being taken

very good care of.

OFFER SECOND PLACE TO TAMMANY. In an effort to appease Leader Murphy of Tammany Hall, though, the Grout folks have made it known that Tammany could have the nomination for Lieutenant-Governor in the person of Randolph B. Guggen-While Tammany Chieftain Murphy has

said all along and reiterated his statement to-day that Tammany would have no candidate for Governor in this convention, the Tammanyites have been very partial to the nomination of Representative Francis Burton Harrison for Lieuten ant-Governor Tammany Chieftain Murphy has not said this out loud, but those who keep track of affairs here are very well acquainted

with the fact that he favors Harrison and

does not favor Guggenheimer for the nom-

ination for Lieutenant-Governor. Tammany Chieftain Murphy's objections to Guggenbeimer, however, have not been spoken out loud. Guggenheimer is a corporation law ver and was part of the Mayor Robert . Van Wyck administration. He is ve highly spoken of both as a man and as a lawyer. Those who advocate his nomine ion as a sop to Tammany Hall have another motive, which they expiained this evening. They went on to say that the Republican State convention had nominated ex-Justice Julius M. Mayer of New York sity for Attorney-General and that the

Democratic State convention here should

also nominate a Jew in order to meet the nomination of Mr. Mayer. TWO PLACES TO NEW YORK, MAYBE While on this subject some Democrate said that Mr. Guggenheimer should be nominated for Attorney-General and Tammany should have the nomination for Lieutenant-Governor in the person of Mr. Harrison, and in support of this argument it was recalled that the Republican State convention broke the precedent by giving two important places on the Odell State ticket, to New York county in M. Linn Bruce for Lieutenant-Governor and Mr. Mayer for Attorney-General. So that anybody who gives even a casual glimpse at this despatch will readily understand that the situation here is considerably mixed. Indeed, that is only a mild phrase for the pulling and hauling, hatcheting and toma-

have been held to-day. Take that nomination for Attorne General as a sample. Half the convention want to nominate Chief Judge Cullen and Werner, and if this is done, as it undoubtedly will be done, John Cunneen of Buffalo must either take the Attorney-Ge again or not take anything, and his friends

hawking, bickering and dissension which

have marked a score of conferences which